

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 08-20383

Honorable David M. Lawson

WALTER WRIGHT,

Defendant.

**SUPPLEMENTAL STIPULATED ORDER EXTENDING TIME TO FILE PRETRIAL
MOTIONS AND ADJOURNING TRIAL DATE**

On October 16, 2009, the Court granted the defendant's motion to extend the time to file pretrial motions and adjourn the trial date, and excluded the time for this extension for purposes of the Speedy Trial Act [dkt # 17]. The Court is aware of the decision in *United States v. Moran*, 998 F.2d 1368 (6th Cir. 1993), which holds that delays solely for the preparation of pretrial motions may not be excluded under the Speedy Trial Act. *Id.* at 1370-71. However, the time has been excluded in this case for reasons more than pretrial motion preparation. As noted in the Court's prior Order, the present case involves voluminous discovery that makes this case "sufficiently complex that it is unreasonable to expect adequate preparation for pretrial and trial proceedings." 18 U.S.C. § 3161(h)(7)(B)(ii). The discovery materials and the defendant's noted communication and preparation limitations, of which defense counsel has made the Court aware, justify additional time for effective preparation and to "prevent a miscarriage of justice." 18 U.S.C. § 3161(h)(7)(B)(I), (ii) & (iv). The Court has found that these concerns "outweigh[] the interests of the defendant and the public in a speedy trial," 18 U.S.C. § 3161(h)(7)(A), and has determined that this extension shall be excluded from the time limitations under the Speedy Trial Act.

Accordingly, it is **ORDERED** that the Court's order granting the defendant's motion to extend the time to file pretrial motions and adjourn the trial date [dkt # 17] is **AMENDED** to include the clarification presented here.

It is further **ORDERED** that the time between September 24, 2009 and October 26, 2009 will be excluded for purposes of the Speedy Trial Act, 18 U.S.C. § 3161, because

- a. the case is sufficiently complex that it is unreasonable to expect adequate preparation for pretrial and trial proceedings within the time limits proscribed by the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(ii);
- b. additional time is necessary for effective preparation for pretrial and trial proceedings by the parties, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(ii) & (iv); and
- c. additional time is needed to prevent a miscarriage of justice, and granting a continuance outweighs the interests of the defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) & (B)(I).

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 22, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 22, 2009.

S/Teresa Scott-Feijoo
TERESA SCOTT-FEIJOO